

the name and place of business of the manufacturer, packer, or distributor, nor a statement of the quantity of the contents; (2) in that it was fabricated from two or more ingredients and its label did not bear the common or usual name of each active ingredient; and (3) in that its labeling did not bear adequate directions for use, since the envelopes bore no directions at all.

On March 3, 1942, pleas of guilty having been entered on behalf of the defendants, the court imposed a fine of \$250 and costs, which was applicable to both defendants.

729. Misbranding of Merlek Mineral Water. U. S. v. Michael Lee (Lee Bros.).
Plea of nolo contendere. Fine, \$1,000. Defendant placed on probation
for 5 years. (F. D. C. No. 5527. Sample No. 7399-E.)

This product consisted of sea water to which had been added a small amount of potassium iodide. Its labeling bore false and misleading claims regarding its mineral content and its efficacy in conditions of impaired health resulting from mineral deficiency.

On January 3, 1942, the United States attorney for the Northern District of California filed an information against Michael Lee, trading as Lee Bros., Oakland, Calif., alleging shipment on or about May 18, 1940, from the State of California into the State of Arizona of a quantity of Merlek which was misbranded.

The article was alleged to be misbranded in that the statements, "Contains Parts Per Million (Approximate Analysis) Sodium & Potassium Chlorides: 28924.7 Magnesium Chloride: 3286.9 Magnesium Sulphate: 3106.7 Calcium Sulphate: 857.3 Calcium Chloride: 573.0 * * * Magnesium Bromide: 76.0 Alkaline Nitrates: 42.5 Traces of Phosphorus, Boron, Silica, Sodium Fluoride, Iron Oxide, Aluminum Oxide * * * Merlek is sold only to help supply minerals for mineral deficiency," borne on the label, were false and misleading since they represented and suggested that it contained the above-named minerals in amounts sufficient to contribute in an important respect to the requirements of the body for such minerals, and that it would be efficacious in conditions of impaired health resulting from deficiency of said minerals; whereas it would not contribute in an important respect to the requirements of the body for such minerals since it contained inconsequential amounts of minerals and would not be efficacious in conditions of impaired health resulting from deficiency of such minerals. It was alleged to be misbranded further in that its labeling was misleading since it failed to reveal the fact, material in the light of the representations in the labeling, that it consisted of sea water to which had been added a small amount of potassium iodide.

The article was also alleged to be misbranded under the provisions of the law applicable to foods, as reported in F. N. J. No. 3839.

On June 9, 1942, the defendant entered a plea of nolo contendere and the court imposed a fine of \$1,000 and placed the defendant on probation for 5 years.

730. Misbranding of Hoyt's Compound. U. S. v. Herman P. Doyle, Verne N. Seeley, and Fred D. Grantham (Hoyt Chemical Co.). Pleas of guilty.
Fines, \$600. (F. D. C. No. 6462. Sample No. 52314-E.)

On May 11, 1942, the United States attorney for the District of Colorado filed an information against Herman P. Doyle, Verne N. Seeley, and Fred D. Grantham, trading as the Hoyt Chemical Co. at Denver, Colo., alleging shipment on or about May 27, 1941, from the State of Colorado into the State of Washington of a quantity of Hoyt's Compound that was misbranded.

Analysis of a sample of the article showed that it consisted essentially of extracts of plant drugs including a laxative drug, alcohol, and water.

It was alleged to be misbranded in that representations in the labeling that it would be efficacious in the treatment of indigestion, sour stomach, gas, bloating, nervousness, excitability, skin and blood diseases, stomach trouble, constipation, run-down condition, sleeplessness, belching and burning sensation in the throat and stomach, pains in the hips and legs, gas and pressure around the heart, dizziness, lump in the stomach, twitching, jerking, spots before the eyes, and knotty sensation in the stomach; that it would be efficacious to prevent suffering after meals and to quiet the nerves and restore health; that it would be efficacious in the relief of suffering from stomach, bowels, and kidneys; that it would be efficacious to prevent getting up nights caused by kidney affections, to produce gain in weight, to cleanse the bowels and leave the intestinal tract pure and clean and free of poisonous waste matter, and to make the bowels normal; that it would be efficacious in the treatment of all kinds of aches and pains and disorders of the general health; and that it was a wonderful treatment for poor health